IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 22082 of 2004(D)

{O.S.NO.601/1998 OF THE SUB COURT,THODUPUZHA}

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PETITIONER:

M.H.SIDDIK, S/O. HASSAN KUNJU,
MARATTIKUNNAL HOUSE,
THODUPUZHA-685 584.

BY ADV. SMT.S.K.DEVI
SRI.SANTHOSH P.ABRAHAM

RESPONDENTS:

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1. M/S. SAKTHI FINANCE LTD., COIMBATORE,
REPRESENTED BY ITS BRANCH MANAGER,
SAKTHI FINANCE LIMITED,
SAHODARAN AYYAPPAN ROAD,
ERNAKULAM, KOCHI-16.

2. K.SURENDRAN, S/O. KESAVAN,
VENGALLOOR, THODUPUZHA-685 584.

3. P.A.ASHRAF, S/O. P.K.ALIYAR,
PUTHIRIYIL HOUSE, KUMARAMANGALAM
P.O.,THODUPUZHA.

R1 BY ADV. SRI.P.SANTHALINGAM
SRI.S.SHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF EP NO.77/02 IN OS NO.601/98 PENDING BEFORE THE HON'BLE SUB COURT, THODUPUZHA ALONG WITH THE ORDER.

EXT.P2: TRUE COPY OF OBJECTION FILED BY THE PETITIONER DTD. 15.7.04 IN EP 77/02 IN OS 601/98.

RESPONDENTS' EXHIBITS: NIL

//true copy//

P.S. To Judge

K.A.ABDUL GAFOOR, J.

W.P.(C).No.22082 of 2004 - D

Dated this the 24th day of January, 2007.

JUDGMENT

Abdul Gafoor, J.

The petitioner, a judgment debtor, is attempting to interdict execution proceedings by seeking to set aside the proclamation of a sale in Ext.P1 execution proceedings.

2. When a decree is there, there is no ground to interdict it. Anyhow, this court, as per order dated 26.7.2004, has granted a stay of sale of the properties on condition of the petitioner depositing an amount of Rs.50,000/- for payment to the decree holder. Thereafter, no payment has been made.

In such circumstances, taking into account the long pendency of the matter, the original petition is disposed of directing the petitioner to clear off the decree debt with interest in three equal by-monthly instalments,

payable on the 10th of every alternate month, commencing from 10th February, 2007. In case there is any default, the execution proceedings shall be continued.

Sd/-
(K.A.ABDUL GAFOOR)
JUDGE

sk/

//true copy//

K.A.ABDUL GAFOOR , J.

W.P.(C).No.22082 of 2004 - D

JUDGMENT

24th January, 2007.